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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re RIPPLE LABS INC. LITIGATION,

Case No. 18-cv-06753-PJH

This Document Relates To:  
ALL ACTIONS

**JOINT ADMINISTRATIVE MOTION  
TO CONSIDER WHETHER CASES  
SHOULD BE RELATED AND  
CONSOLIDATED FOR PRETRIAL  
PURPOSES**

(Civil L.R. 3-12 and 7-11)

Judge: Hon. Phyllis J. Hamilton

Pursuant to this Court’s Order, Dkt. 35 at ¶¶ 6-7, as well as Northern District of California Civil Local Rules 3-12(a) and 7-11(a), Defendants Ripple Labs Inc., XRP II, LLC, and Bradley Garlinghouse (collectively “Ripple”) and Lead Plaintiff Bradley Sostack, by and through their undersigned counsel, hereby move the Court to consider whether the recently-filed action, *Bitcoin Manipulation Abatement LLC v. Ripple Labs, Inc.* (hereinafter, “BMA”), is related to the putative class action, *In re Ripple Labs Inc. Litig.*, pending before this Court.<sup>1</sup>

In order of filing date, the matters submitted for determination under Civil Local Rule 3-12(b) are as follows:

<u>Case Name</u>	<u>Case Number</u>	<u>Filing Date</u>
<i>In re Ripple Labs Inc. Litigation</i>	4:18-cv-6753-PJH	August 5, 2019 <sup>2</sup>
<i>Bitcoin Manipulation Abatement LLC v. Ripple Labs, Inc., et. al.</i>	3:20-cv-3022-RS	May 1, 2020

Civil Local Rule 3-12(a) provides that an action is related to another “when (1) [t]he actions concern substantially the same parties, property, transaction or event; and (2) [i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” These criteria are met here.

To begin, Plaintiff Bitcoin Manipulation Abatement LLC’s Civil Cover Sheet concedes these two cases are related. *See* Civil Cover Sheet, *BMA*, No. 20-cv-3022 (N.D. Cal. May 1, 2020), ECF 1-1. Indeed, Defendants in both actions are identical. Likewise, plaintiff’s allegations in *BMA* suggest that it may be a member of the putative class alleged in this action. *See* Complaint, *Bitcoin Manipulation Abatement LLC v. Ripple Labs, Inc.*, No. 20-cv-3022 (N.D. Cal. May 1, 2020), ECF 1 at ¶ 181 (“Plaintiff . . . purchased XRP securities from Defendants.”). Moreover, the complaint in *BMA* is a near-verbatim copy of the operative First Amended Complaint in this action, and both actions assert the same seven causes of action. Finally, the cases share an identical theory of liability: Ripple allegedly offered, promoted, and sold XRP and were allegedly required to, but did not, register

<sup>1</sup> Per Civil Local Rule 7-11(a), a declaration in support of this Administrative Motion is being concurrently filed.

<sup>2</sup> Mr. Sostack filed a Consolidated Complaint in this Court on August 5, 2019, Dkt. 63, which superseded three earlier actions filed in 2018 in California Superior Court that had been removed to the Northern District of California, Dkt. 1-1, 2-1.

1 XRP with the SEC.

2 Because this action and *BMA* involve and concern nearly-identical parties, transactions, and  
3 events, it would be inefficient, unduly burdensome, and duplicative to have these cases proceed  
4 before two different judges. Relating these actions serves the interests of justice and furthers judicial  
5 economy.

6 On March 18, 2019, this Court issued an Order Regarding Publication of Notice Pursuant to  
7 the Private Securities Litigation Reform Act, 15 U.S.C. § 77z-1, Briefing Schedule On Motion For  
8 Appointment As Lead Plaintiff, Filing of Lead Plaintiffs' Consolidated Complaint And Defendants'  
9 Response To The Consolidated Complaint ("Order"). Dkt. 35. The Order provides that, once filed,  
10 "[t]he consolidated complaint shall be the operative complaint and shall supersede all complaints  
11 filed in any action consolidated into this Action." *Id.* at ¶ 4. The Court held that "[a]ll related actions  
12 that are subsequently filed in . . . this District shall be consolidated into this action for pretrial  
13 purposes," and then instructed that "[t]he parties shall file an Administrative Motion to Consider  
14 Whether Cases Should be Related pursuant to Civil L.R. 3-12 whenever a case that should be  
15 consolidated into this action is filed in . . . this District." *Id.* at ¶¶ 6-7. Thus, should the Court  
16 determine that these actions are related, it should also order the cases consolidated for pretrial  
17 purposes. *Id.*

18 For the foregoing reasons, Ripple and Mr. Sostack respectfully request that this Court order  
19 that (1) *BMA* is related to this action, and (2) the cases are consolidated for pretrial purposes consistent  
20 with this Court's prior order.

21  
22 Dated: May 11, 2020

Respectfully submitted,

23 By: /s/ Steven G. Sklaver

By: /s/ Damien J. Marshall

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